

# EXHIBIT A

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**From:** [Whitney Street](#)  
**To:** [DiMattio, Melina R.](#); [Aaron Marks](#)  
**Cc:** [Matt Weiner](#); [Sharon K. Robertson](#); [Gregory Arnold](#); [Abbye Klamann Ognibene](#); [Jenny O'Brien](#); [Fanelli, Mark J.](#); [Fee, R. Brendan](#); [Reed, Steven A.](#); [Huyett, D. Patrick](#); [Natasha Silber](#); [Donna M. Evans](#)  
**Subject:** [EXTERNAL] RE: In re Actos Antitrust Litig.  
**Date:** Friday, March 4, 2022 5:04:32 PM

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Melina,

Thank you for confirming that Takeda is using TAR only to prioritize documents for human review and not to cull documents or make decisions about whether a document should be withheld from production.

In terms of email threading, we were surprised to hear that Takeda is in fact using email threading, which we believe violates the letter and spirit of the Federal Rules of Civil Procedure and the Court-ordered ESI Protocol. (ECF No. 193.) Both require the production of relevant and responsive documents, such as lesser included emails, and the ESI protocol permits de-duplication only if a document is an exact duplicate based on MD5 or SHA-1 hash values—a requirement that lesser included emails do not satisfy. (See ECF No. 193 at 4 (“No Party shall eliminate duplicates by manual review or some method other than by use of the technical comparison using MD5 or SHA-1 hash values outlined above without meeting and conferring with the Requesting Party to determine a mutually acceptable alternative.”)).

Please confirm that Takeda will make whatever adjustments are necessary to produce lesser included emails as standalone documents for your prior and upcoming productions.

Thank you,  
Whitney

Whitney Street | **Hagens Berman Sobol Shapiro LLP** | Direct: (925) 204-9959

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**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>  
**Sent:** Thursday, March 3, 2022 7:17 AM  
**To:** Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>; Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>  
**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; [srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com); Greg Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>; Natasha Fernandez-Silber <[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>; devans@cohenmilstein.com  
**Subject:** RE: In re Actos Antitrust Litig.

Whitney,

Please see attached for Takeda's revisions to the proposed privilege log protocol. We look forward to discussing further this Friday.

In response to your questions, Takeda is producing responsive non-privileged (1) emails that cannot be threaded, and (2) email threads that are the most inclusive. An email thread is responsive if any portion of the thread is responsive. And, to be clear, the most inclusive email threads include (1) the email that is the last email in a thread, (2) emails with unique content not included in another email, and/or (3) an email without any replies or forwards. In contrast, non-inclusive emails have text and attachments contained in other inclusive emails. Non-inclusive emails are redundant because all of the non-inclusive content to the email message is contained in the inclusive email. Email threading is a common and well-accepted practice to streamline the document review and production process, ensure consistent coding decisions and privilege redactions, and avoid the confusion that might result if a party uses an earlier and less complete version. Email threading is also more efficient for the receiving party, who can review, for example, ten emails in an email conversation in one document rather than ten documents.

Next, we confirm that an email or email thread that is partially privileged will be produced with only the privileged information redacted. For example, an email transmitting legal advice may have the body of the email (or portion thereof) redacted, but the document will still be produced with all non-privileged information unredacted, e.g., the sender, recipient, date, and subject line. An email or email thread that is completely privileged – because the entire email or all emails in the thread are each fully privileged – will be withheld from production.

Finally, we confirm that Takeda is using TAR only to prioritize documents for human review; Takeda is not using TAR to cull documents or to otherwise make decisions about whether a document should be withheld from production.

Thanks,  
Melina

**Melina R. DiMattio**  
**Morgan, Lewis & Bockius LLP**  
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Direct: +1.215.963.5485 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: Vanessa K. Peirce | +1.215.963.4661 | [vanessa.peirce@morganlewis.com](mailto:vanessa.peirce@morganlewis.com)



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**From:** Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>  
**Sent:** Wednesday, March 02, 2022 10:53 AM  
**To:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>; Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>  
**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; [srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com); Greg Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>; Natasha Fernandez-Silber

<[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>; [devans@cohenmilstein.com](mailto:devans@cohenmilstein.com)

**Subject:** RE: In re Actos Antitrust Litig.

[EXTERNAL EMAIL]

Dear Melina,

Thank you for the productive call on Friday regarding the privilege log protocol. I write to confirm a few points.

First, please confirm Takeda is not using email threading in its document production. For avoidance of confusion, this means that Takeda will not withhold lesser included emails, but rather will produce lesser included emails as standalone documents in Takeda's document production.

Second, please confirm that an email containing privileged information will be produced with only the privileged information redacted. For example, an email transmitting legal advice may have the body of the email (or portion thereof) redacted, but the document will still be produced with all non-privileged information unredacted, e.g., the sender, recipient, date, and subject line.

Last, my understanding is that Takeda is using TAR only to prioritize documents for human review; it is not using TAR to cull documents or to otherwise make decisions about whether a document should be withheld from production. Please let me know if I am mistaken in any respect.

We look forward to receiving your proposed edits to the privilege log protocol (ideally by Thursday evening if feasible) and discussing with you further on Friday, March 4.

Thank you,  
Whitney

Whitney Street | **Hagens Berman Sobol Shapiro LLP** | Direct: (925) 204-9959

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**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>

**Sent:** Friday, February 25, 2022 6:30 AM

**To:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>; Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>

**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; [srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com); Greg Arnold

<[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien

<[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan

<[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D.

Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>; Natasha Fernandez-Silber

<[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>; [devans@cohenmilstein.com](mailto:devans@cohenmilstein.com)

**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Hi Aaron,

Attached are Takeda's comments on the proposed privilege log protocol. Look forward to discussing

this afternoon. By the way, I'm coming from another call at 1 pm and worried I may be a tad late – if you all don't mind starting our call at 1:35 pm I would be grateful.

Thanks,  
Melina

**Melina R. DiMattio**

**Morgan, Lewis & Bockius LLP**

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[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Vanessa K. Peirce | +1.215.963.4661 | [vanessa.peirce@morganlewis.com](mailto:vanessa.peirce@morganlewis.com)



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**From:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>

**Sent:** Friday, February 18, 2022 6:58 PM

**To:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>; Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>

**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>; Natasha Silber <[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>; Donna M. Evans <[DEvans@cohenmilstein.com](mailto:DEvans@cohenmilstein.com)>

**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

[EXTERNAL EMAIL]

Melina,

Thanks for sending your availability for a meet and confer. We are available on Friday 2/25 at 1:30pm ET. I will circulate a dial-in.

Plaintiffs' proposed privilege log protocol is attached to this e-mail. We look forward to discussing with you next week.

Best for the weekend,

Aaron

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**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>

**Sent:** Friday, February 18, 2022 11:16 AM

**To:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>; Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>

**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven

A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>;

Natasha Silber <[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>

**Subject:** [EXTERNAL] RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Aaron,

We can be available to meet and confer about the form and format of privilege logs next week on Wed. 2/23 from 12-1 pm or Friday 2/25 between 1:30-3 pm. Please let us know what works for you.

Thanks,

Melina

**Melina R. DiMattio**

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Assistant: Vanessa K. Peirce | +1.215.963.4661 | [vanessa.peirce@morganlewis.com](mailto:vanessa.peirce@morganlewis.com)

[REDACTED]

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**From:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>

**Sent:** Tuesday, February 15, 2022 12:19 PM

**To:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>; Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>

**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>; Natasha Silber <[nsilber@radicelawfirm.com](mailto:nsilber@radicelawfirm.com)>

**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

[EXTERNAL EMAIL]

Melina,

Thanks for your e-mail. Plaintiffs agree that it would be helpful to meet and confer regarding the form and format of privilege logs. We think such a discussion would be most productive after we circulate a proposed privilege log protocol, which we intend to do later this week. Would you please let us know Defendants' availability to meet and confer next week, after you have had a chance to review the proposed protocol? Thank you.

Best,

Aaron

**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>  
**Sent:** Monday, February 14, 2022 8:48 PM  
**To:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>; Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>  
**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>  
**Subject:** [EXTERNAL] RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Aaron,

Thank you for your email. We confirm that Takeda will apply the “touch base” test to determine the appropriate country’s privilege law. Under the “touch base” test, “communications relating to legal proceedings in the United States, or that reflect the provision of advice regarding American law, ‘touch base’ with the United States and, therefore, are governed by American [privilege] law.” *Mangouras v. Squire Patton Boggs*, 980 F.3d 88, 99 (2d Cir. 2020) (quoting *Gucci America, Inc. v. Guess?, Inc.*, 271 F.R.D. 58, 65 (S.D.N.Y. 2010)). We also confirm that Takeda will identify the Takeda employees included on the company’s privilege log who are bengoshi and benrishi.

We think it would be helpful to schedule a meet and confer to discuss the format for and the fields included in the privilege logs. Are you available this Friday at 1 or 3 pm ET?

Sincerely,  
Melina

**Melina R. DiMattio**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5485 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: Vanessa K. Peirce | +1.215.963.4661 | [vanessa.peirce@morganlewis.com](mailto:vanessa.peirce@morganlewis.com)



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**From:** Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>  
**Sent:** Tuesday, February 08, 2022 1:29 PM  
**To:** Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>; DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>  
**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>

**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

[EXTERNAL EMAIL]

Melina,

Thank you for speaking with us last week regarding Defendants' document production plans. We understand, based on your comments during that call, that Defendants intend to withhold as privileged documents that were collected from the paper files of Takeda's Japanese entity, Takeda Pharmaceutical Company. Given the issues that can arise with respect to the invocation of attorney-client privilege over foreign documents, we write to clarify a couple of questions.

First, would you please confirm that any documents Defendants withhold as privileged will be withheld on the basis of the appropriate country's privilege law? As you may be aware, "district courts within this Circuit have applied the 'touch base' test, a 'traditional choice-of-law "contacts" analysis to determine the law that applies to claims of privilege involving foreign documents.'" *Mangouras v. Squire Patton Boggs*, 980 F.3d 88, 98-99 (2d Cir. 2020) (quoting *Astra Aktiebolag v. Andrx Pharms., Inc.*, 208 F.R.D. 92, 98 (S.D.N.Y. 2002)). Accordingly, the relevant country's privilege law for certain documents in this case may be the law of Japan. *See, e.g., Eisai Ltd. v. Dr. Reddy's Laboratories, Inc.*, 406 F. Supp. 2d 341 (S.D.N.Y. 2005).

Second, it is our understanding that Japanese privilege law distinguishes between licensed attorneys ("bengoshi"), licensed patent agents ("benrishi"), and non-licensed individuals who may work, for example, in an in-house legal department. *See In re Abilify (Aripiprazole) Prods. Liability Litig.*, No. 3:16-md-2734, 2019 WL 130412, at \*2 (N.D. Fla. Jan. 8, 2019). So that Plaintiffs are able to properly assess Defendants' assertions of privilege under Japanese law, we will need to understand which of these classifications apply to the individuals included on Defendants' forthcoming privilege log. Would you please confirm that, at least as to the Japanese documents that Defendants withhold as privileged, the individuals listed on Defendants' privilege log will be identified as bengoshi, benrishi, or non-bengoshi/benrishi?

Thank you,

Aaron

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**From:** Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>

**Sent:** Monday, January 31, 2022 1:26 PM

**To:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>

**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>; Sharon K. Robertson <[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)>; Gregory Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>

**Subject:** [EXTERNAL] RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Melina,

Thank you for your email. Plaintiffs are available Tuesday (2/1) at 2:30 pm eastern. During our call, we would also like to discuss the status of Defendants' rolling production and production from non-custodial sources.

Thank you,  
Whitney

Whitney Street | **Hagens Berman Sobol Shapiro LLP** | Direct: (925) 204-9959

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**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>  
**Sent:** Friday, January 28, 2022 1:10 PM  
**To:** Whitney Street <[WhitneySt@hbsslaw.com](mailto:WhitneySt@hbsslaw.com)>  
**Cc:** Matt Weiner <[matt@hilliardshadowenlaw.com](mailto:matt@hilliardshadowenlaw.com)>; Aaron Marks <[amarks@cohenmilstein.com](mailto:amarks@cohenmilstein.com)>; [srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com); Greg Arnold <[grega@hbsslaw.com](mailto:grega@hbsslaw.com)>; Abbye Klamann Ognibene <[AbbyeO@hbsslaw.com](mailto:AbbyeO@hbsslaw.com)>; Jenny O'Brien <[JennyO@hbsslaw.com](mailto:JennyO@hbsslaw.com)>; Fanelli, Mark J. <[mark.fanelli@morganlewis.com](mailto:mark.fanelli@morganlewis.com)>; Fee, R. Brendan <[brendan.fee@morganlewis.com](mailto:brendan.fee@morganlewis.com)>; Reed, Steven A. <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>; Huyett, D. Patrick <[patrick.huyett@morganlewis.com](mailto:patrick.huyett@morganlewis.com)>  
**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Whitney:

Can we please schedule a meet and confer next week to discuss DPPs' position concerning interrogatory no. 1, particularly as to the time period? Please let us know your availability. Thank you and have a great weekend.

Sincerely,  
Melina

**Melina R. DiMattio**

**Morgan, Lewis & Bockius LLP**

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**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

[EXTERNAL EMAIL]

Counsel,

Please see the attached correspondence.

Thank you,  
Whitney

Whitney Street | **Hagens Berman Sobol Shapiro LLP** | Direct: (925) 204-9959

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**From:** DiMattio, Melina R. <[melina.dimattio@morganlewis.com](mailto:melina.dimattio@morganlewis.com)>

**Sent:** Thursday, December 23, 2021 11:54 AM

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**Subject:** RE: In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

Whitney,

Please see the attached correspondence.

Happy holidays to you!

Sincerely,  
Melina

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**Subject:** In re Actos Antitrust Litig. - Takeda's response to DPP's first set of interrogatories

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Counsel,

Please see the attached correspondence.

Thank you,

Whitney

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